

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:06CR214
	)	
v.	)	
	)	
JOSE RAMIREZ-SOLANO,	)	ORDER
	)	
Defendant.	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

This matter is before the Court on defendant's motion for sentencing adjustment (Filing No. 124). His motion is for a downward departure premised on 18 U.S.C. § 3624(C) and 18 U.S.C. § 3553(b). Defendant seeks downward departure based upon his status as a deportable alien. However, a review of this file reflects that defendant entered a plea of guilty to a conspiracy to distribute methamphetamine and has stipulated in his plea agreement (Filing No. 67) that he should be held responsible for more than 50 but less than 150 grams of actual methamphetamine.

Pursuant to 21 U.S.C. § 841(a), the defendant is subject to a term of imprisonment of not less than ten years nor more than life. The ten years is a mandatory minimum sentence, and the provisions of the code to which he refers do not grant the Court authority to sentence him below one hundred twenty (120) months. As this was the sentence imposed at the time of his sentencing, defendant's motion for sentencing adjustment will be denied. Accordingly,

IT IS ORDERED that defendant's motion for sentencing adjustment is denied.

DATED this 17th day of June, 2008.

BY THE COURT:

/s/ Lyle E. Strom

---

LYLE E. STROM, Senior Judge  
United States District Court